

### **REMARKS**

The Office Action of August 27, 2008 has been reviewed and the comments therein were carefully considered. Claims 1-6, 8-17, 19, and 35-40 are pending with this paper. Applicant is amending claims 1-4, 6, 8-17, 19, and 35. Applicant is canceling claims 20-25, 27, and 28-34 without prejudice.

Applicant is adding claims 36-40, which are supported by the patent application as originally filed, *e.g.*, page 12, line 7 - page 17, line 12. No new matter has been added to the application.

#### **Interview Summary**

The Office Action alleges that the paper filed on June 23, 2008 canceling limitations from all independent claims is non-responsive. The Office Action alleges:

The remaining claims are not readable on the elected invention because the new set of claims do not require the information to be received from the content providers.

Independent claims 1, 12, and 35, as amended, now include features directed to receipt of information from a content provider. In a telephonic interview with the undersigned on October 1, 2008, Examiner Blair confirmed that this is sufficient to overcome the non-responsiveness objections raised in the June 23, 2008, Office Action.

#### **Other Amendments**

Regarding claim 35, Applicant is replacing "A real-time server computer comprising memory storing computer executable code modules that each comprise computer executable instructions stored in the memory, said code modules" with "An apparatus".

#### **Claim Rejections under 35 U.S.C. §112**

Applicant is canceling claims 31-34 without prejudice. The rejections of these claims are thus moot.

#### **Claim Rejections under 35 U.S.C. §101 (February 21, 2008, Office Action)**

Claims 13-17, 19-25, and 27-34 were rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Regarding claims 13-17 and 19, the February 21, 2008, Office Action alleged that the claims are directed towards (Page 4.):

only the computer program in the respective claims in which they depend upon  
and are therefore treated as software per se.

Applicant is amending claims 12-17 and 19 to replace “computer program” with “computer-readable medium.”<sup>1</sup> The amendment is supported by the specification as originally filed, e.g., page 9, lines 4-10 and page 12, line 20 - page 13, line 2. Applicant requests reconsideration of claims 12-17 and 19.

Regarding claims 20-25 and 27, Applicant is canceling the claims without prejudice.

Regarding claims 28-34, Applicant is canceling the claims without prejudice. Thus, the rejections are moot.

#### **Claim Rejections under 35 U.S.C. §103**

**Claims 1-5, 12-13, 15-17, 20-21, 23-25, 28-30 and 32-35 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,600,725 (Roy), in view of U.S. Patent No. 5,404,488 (Kerrigan).**

Regarding claim 1, Applicant is amending the claim to include the feature of “receiving notification of active keys associated with a current display of the at least one portion of the information on the user terminal.” The amendment is supported by the specification as originally filed, e.g., Page 5, lines 17-20.<sup>2</sup>

Regarding claim 1, the February 21, 2008, Office Action alleged that (Page 4 – page 5. Emphasis added.):

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<sup>1</sup> MPEP 2106.01(I) states: “[A] claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory” (citation omitted)”

<sup>2</sup> “Further as well as only those real-time values that have changed, only those real-time data values that are currently being displayed on the user terminal are transmitted to the user terminal, thereby keeping the data transfer required to an absolute minimum.” (Page 5, lines 17-20.)

Applicant's arguments filed 8/27/2007 with respect to the pending claims have been fully considered but they are not persuasive. The applicant's arguments are out of line with the current scope of the claims. **Specifically, the applicant argues that, "In Kerrigan, requested data is entered into a spreadsheet regardless of information currently displayed on a user device." The applicant, however, is not claiming what is "currently" displayed on a device but instead the applicant's broader language reads "at least one portion of the information displayed on the user terminal".** Kerrigan's spreadsheet reads on "at least one portion of the information displayed on the user terminal" as claimed. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The Examiner sees no limiting definition of "active keys" in the applicant's specification so the claims are given the broadest reasonable interpretation.

However, as amended, the active keys are "associated with a **current** display of the at least one portion of the information on the user terminal" and should be properly considered when interpreting the claim. (Emphasis added.) Moreover, Applicant is further amending claim 1 to include the features of "storing at least one portion of the information," "receiving additional information at the content server, the additional information including a later version of the at least one portion of the information," "identifying changed information parts by determining one or more differences between the later version of the at least one portion of the information and the stored at least one portion of the information," "updating the stored at least one portion of the information based on the changed information parts," and "transmitting the changed information parts associated with the active keys to the user terminal without also transmitting unchanged parts of the stored at least one portion of the information." The amendment is supported by the patent application as originally filed, *e.g.*, Figure 7, page 16, lines 5-18, and page 10, line 13-page 11, line 15.

Roy merely discusses a multimedia conferencing bridge which provides conferencing services to multiple parties. Each of the multiple parties may, during the conference call, request and receive information services during the conference call. In Roy, each party must request the particular information services of interest. The requesting party receives all of the information requested and does not receive only updated portions of requested information. Moreover, Kerrigan does not make up for the deficiencies in Roy. Kerrigan merely discusses a real-time engine for interfacing a spreadsheet to one or more data feeds. The data feeds provide real-time information to the spreadsheet when requested or polled. In Kerrigan, requested data is entered

into the spreadsheet regardless of information currently displayed on a user device. There is no suggestion by the combination of Kerrigan and Roy to provide only changed information for a user device based on currently displayed information on the user device. Consequently, Roy and Kerrigan, either individually or in combination, fail to suggest the feature of “transmitting the changed information parts to the user terminal without also transmitting unchanged parts of the stored at least one portion of the information,” where the active keys are “associated with a current display of the at least one portion of the information on the user terminal.”

Applicant is amending independent claim 12 to include the similar feature of “a real-time data server code segment configured to receive real-time data values from at least one content provider, receive active keys that are associated with at least one portion of information currently displayed on a user terminal, determine changed data values by identifying one or more differences between the received real-time data values and prior real-time data values, and transmit one or more of the changed data values associated with one or more of the active keys without also transmitting unchanged data values to the user terminal when any of the real-time data values associated with the one or more of the active keys has changed.” Similarly, Applicant is amending independent claim 35 to include the feature of “wherein the real-time data server module is configured perform operations when the data server thread connection receives an active key request from the remote mobile terminal, the operations including a) querying a keyed hash table for corresponding data; b) determining whether the queried data differs from data currently displayed on the remote mobile terminal; c) sending the queried data to the remote mobile terminal when the queried data differs from the data currently displayed on the remote mobile terminal; and d) not sending the queried data to the remote mobile terminal when the queried data does not differ from the data currently displayed on the remote mobile terminal.” Dependent claims 2-5, 13, 15-17, which ultimately depend on one of independent claims 1 or 12 are allowable for at least the same reasons as the independent claim from which they ultimately depend. Applicant requests reconsideration of claims 1-5, 12-13, 15-17, and 35.

**Claims 6-11, 14, 19, 22, 27, and 31 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Roy in view of Kerrigan in further view of US Patent No. 6,035,287 (Stallert).**

Claims 6, 8-11, 14, and 19 ultimately depend from independent claims 1 and 12. (Claim 7 was previously canceled.) Moreover, Stallert merely discusses market participants exchanging a

combination of assets as a bundle among themselves. Stallert fails to remedy the deficiencies of Roy and Kerrigan, and thus claims 6-11, 14, and 19 are patentable for at least the above reasons.

Applicants therefore respectfully request reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,

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